

AMENDED IN ASSEMBLY APRIL 24, 2003
AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 934

Introduced by Assembly Member Reyes

February 20, 2003

An act to add and repeal Section 26821 of the Government Code, relating to child abduction.

LEGISLATIVE COUNSEL'S DIGEST

AB 934, as amended, Reyes. Fresno County: child abduction prevention program.

Existing law specifies the fees for filing the first paper in a civil action or proceeding in the superior court.

Existing law requires the district attorney to perform specified duties in certain cases in which a petition to determine custody of a child has been filed, or a temporary order pending determination of custody has been entered, and in which the whereabouts of a party in possession of the child are not known, or in which there is reason to believe that the party may not appear in the proceedings. In addition, the district attorney is required to perform specified duties in cases in which a custody or visitation order has been entered and the child has been taken or detained by another person in violation of the order.

This bill would establish, in Fresno County until January 1, 2007, upon approval of the board of supervisors, a pilot project requiring each person who files a petition, notice of motion, or other paper in the superior court to determine custody of or visitation with a child, *as*

specified, to establish a parent and child relationship, to petition for temporary guardianship of a minor, or to object to the report and recommendation of the mediator determining child custody or visitation, to pay a fee of \$25 in addition to other required fees. The bill would require that all moneys collected pursuant to that provision be deposited in the Child Abduction Prevention Fund established in the office of the district attorney in Fresno County and be allocated for the purpose of performing specified duties required of the district attorney in certain cases concerning child custody or visitation, as described above.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26821 is added to the Government
2 Code, to read:

3 26821. (a) In Fresno County, upon approval of the board of
4 supervisors, there is established a pilot project pursuant to which
5 each person who files a petition, notice of motion, or other paper
6 in the superior court for any of the following purposes shall pay a
7 fee of twenty-five dollars (\$25):

8 (1) To determine custody of or visitation with a child under
9 Division 8 (commencing with Section 3000) ~~or Division 10~~
10 ~~(commencing with Section 6200) of the Family Code.~~

11 (2) To establish a parent and child relationship under Division
12 12 (commencing with Section 7500) of the Family Code for
13 purposes of establishing custody of or visitation with a child.

14 (3) To petition for appointment of a temporary guardian of the
15 person of a minor pursuant to Chapter 3 (commencing with
16 Section 2250) of Part 4 of Division 4 of the Probate Code, in cases
17 in which custody of or visitation with that minor is at issue before
18 the court.

19 (4) To object to the report and recommendation of the mediator
20 determining child custody or visitation consistent with Section
21 1118 or 1121 of the Evidence Code.

22 (b) All moneys collected pursuant to subdivision (a) shall be
23 deposited in the Child Abduction Prevention Fund established in
24 the office of the district attorney in Fresno County and shall be
25 allocated for the purpose of performing the duties required by



1 Chapter 8 (commencing with Section 3130) of Part 2 of Division
2 8 of the Family Code.

3 (c) The term “total fee” or “total filing fee” as used in Sections
4 26820.4, 26820.6, 26826, 26827, or any other provision of this
5 code does not include the fee described in subdivision (a).

6 (d) Section 68511.3 of the Government Code does not apply to
7 this section.

8 (e) This section shall remain in effect only until January 1,
9 2007, and as of that date is repealed, unless a later enacted statute
10 deletes or extends that date.

